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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,470	09/20/2001	Richard Francis Russell	2001-0157.02	1706

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LEXMARK INTERNATIONAL, INC.
INTELLECTUAL PROPERTY LAW DEPARTMENT
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LEXINGTON, KY 40550-0999

EXAMINER

REFAI, RAMSEY

ART UNIT	PAPER NUMBER
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2152

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/960,470

Applicant(s)

RUSSELL ET AL.

Examiner

Ramsey Refai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Amendment

Responsive to Amendment received July 26, 2006. Claims 1, 8, and 10 were been amended.

Claim 14 was canceled. Claims 1-13 are remain pending further examination.

Response to Arguments

1. Applicant's arguments have been fully considered but they are not persuasive.
 - In the remarks, the Applicant argues in substance that Wang et al fail to teach that the discovery packet sent from the computer workstation is such that only a printer of a designated type can respond.
 - In response, the Examiner respectfully disagrees. Wang et al teach that various printer discovery techniques are well known, and can be applied to discover printers on a particular network. One of the well-known discovery techniques is multicast, which is the sending of messages to particular devices in the multicast group. (See column 3, lines 28-33) Additionally, Wang et al teach in the description of the prior art section that US Patent No. 5687320 discloses a system for allowing a selected type of network device such as printers to be discovered on a network (See column 1, lines 53-63). Rejection is maintained.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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3. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang et al (U.S. Patent No. 6,967,734).

4. As per claim 1, Wang et al teach a method of creating network printer ports on a computer workstation, said computer workstation having an operating system that includes a print subsystem, comprising the steps of:

providing a network; communicatively coupling said computer workstation to said network via a first network interface device; communicatively coupling at least one printer to said network via a second network interface device separate from said first network interface device (column 1, lines 23-27, column 3, lines 15-25);

said computer workstation itself performing both printer discovery and network printer port creation on said computer workstation by the steps of transmitting a discovery packet from said computer workstation to which only a printer of a designated type can respond (column 1, lines 34-39);

receiving by said computer workstation a response packet from said a first printer of said designated type, said response packet including printer-specific network information of said first printer of said designated type (column 3, lines 27-45);

identifying by said computer workstation whether a network port exists on said computer workstation for said first printer of said designated type (column 3, lines 16-45); and

if no such network port exists on said computer workstation, then automatically creating a first network printer port for said first printer of said designated type on said computer workstation based on said printer-specific network information for said first printer of said designated type (column 1, lines 23-39).

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5. As per claim 2, Wang et al teach the steps of initializing a port monitor on said computer workstation upon a loading of said print subsystem, said port monitor performing each of said transmitting step, said receiving step and said identifying step (column 4, lines 23-29).
6. As per claim 3, Wang et al teach wherein said operating system is a Windows operating system (column 2, lines 25-34).
7. As per claim 4, Wang et al teach wherein said Windows operating system running on said computer workstation includes a print spooler for initializing said port monitor and for performing said creating step (column 3, lines 7-13).
8. As per claim 5, Wang et al teach wherein said print spooler receives said printer specific network information for said first printer from said port monitor (column 4, lines 4-21).
9. As per claims 6, 9, and 11, Wang et al teach wherein said printer-specific network information includes a TCP/IP address of said first printer and a MAC address of said first printer (column 3, lines 45-59).
10. As per claim 7, Wang et al teach wherein said discovery packet is a propriety broadcast message to which only a-said printer of said designated type on said network will respond (column 3, lines 10-13 and 35-45) .
11. As per claim 8, this claim contains similar limitations as claim 1 above, therefore is rejected under the same rationale.
12. As per claim 10, this claim is similar to claims 1, 3, 4, 5, 7 above, but also teaches an Add port mechanisms, which is taught by Wang et al in column 3, lines 7-8.
13. As per claim 12, Wang et al teach wherein the step of invoking said Windows print spooler of said workstation to initialize said port monitor at said workstation to send said proprietary broadcast message from said workstation to which each printer of said designated

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type on said network can respond occurs when said print subsystem is loaded by said workstation (column 4, lines 4-52).

14. As per claim 13, Wang et al teach wherein said computer workstation performing said printer discovery sends said discovery packet as a propriety broadcast message to which only said printer of said designated type on said network will respond (column 3, lines 26-45).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Agatone et al (U.S. Patent No. 5,852,744), teach a method for discovering a printer having a particular printer type in a network.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

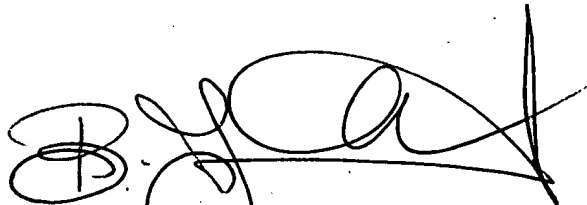
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramsey Refai
Examiner
Art Unit 2152
February 14, 2007



BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER